

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.Revision No.1858 of 2006

DATE OF DECISION: OCTOBER 10, 2006

Jagjit Singh

...PETITIONER

VERSUS

State of Punjab

....RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.S.Gill, Advocate,
for the petitioner.
Mr.N.S.Gill, AAG, Punjab.

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The petitioner has filed this criminal revision against the judgment dated 7.9.2006 passed by the Additional Sessions Judge (Adhoc), Jalandhar, whereby the appeal preferred by the petitioner against the judgment dated 7.2.2006 passed by the JMIC, Jalandhar, has been dismissed.

In this case, the petitioner faced the trial in case FIR No.173 dated 15.11.1997 under Sections 279/304-A/337 and 427 IPC registered at Police Station Division No.3/8, Jalandhar. The trial Court vide judgment dated 7.2.2006 convicted the petitioner under Sections 279/304-A/337 and 427 IPC and sentenced him as under:-

u/s 279 IPC	:	To undergo RI for six months and to pay fine of Rs.200/-. In default of payment of fine to further undergo R.I. for 15 days.
u/s 304-A IPC	:	To undergo RI for one year and to pay fine of Rs.400/-. In default of payment of fine to further undergo R.I. for one month.
u/s 337 IPC	:	To undergo RI for six months and to pay fine of Rs.200/-. In default of payment of fine to further undergo R.I. for 15 days.

u/s 427 IPC : To undergo RI for six months and to pay fine of Rs.200/-. In default of payment of fine to further undergo R.I. for 15 days.

The appeal preferred against the said judgment was also dismissed by the Addl.Sessions Judge (Adhoc), Jalandhar vide judgment dated 7.9.2006 and the judgment of conviction and sentence was upheld.

I have heard the counsel for the parties and gone through the judgments passed by both the Courts below.

Vide order dated September 14, 2006 passed by this Court, notice of motion was issued regarding quantum of sentence only.

The only contention raised by the counsel for the petitioner is that the petitioner is the first offender and is the only earning member in the family and, therefore, a lenient view in the matter of sentence may be taken.

Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner, who belongs to a poor family, is the only bread winner of the family and has not been previously convicted, ends of justice will be fully met if the sentence awarded to the petitioner under Section 304-A IPC is reduced from one year rigorous imprisonment to six months rigorous imprisonment. Ordered accordingly.

With the above modification in the order of sentence, the criminal revision is dismissed.

October 10, 2006
vkg

(SATISH KUMAR MITTAL)
JUDGE